

REGULATION & PROJECT CALENDAR (MARCH 2006 UPDATE)

A. CAMPAIGN

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. McCain-Feingold: Under the recently-amended federal counterpart of the PRA, a specified percentage of certain expenditures jointly relating to federal and state/local elections must be reported as attributable to the federal election. This project considers whether a more accurate method for allocating such expenditures may be used in California. Staff has prepared and presented a draft letter to the FEC, seeking an advisory opinion on this issue. (Carryover from 2005.)		<u>Update Status of FEC Letter</u>	<u>Update Status of FEC Letter</u>				<u>2nd Pre Notice</u>		<u>Adopt</u>			
2. Affiliated Entities (18428): Discusses reporting by "affiliated entities." The reg. should be amended to clarify application of the aggregation provisions to local candidates and committees. (Carryover from 2005.)	Pre- Notice		Adopt									

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3. Hard & Soft Money Bank Accounts: § 85303 sets limits on contributions received by committees and political party committees from individual contributors, for the purpose of making contributions to candidates for elective state office. However, § 85303(c) provides that no limits apply to contributions to such committees that are used for purposes <i>other</i> than making contributions to candidates for elective state office. This project investigates whether contributions to these committees in excess of the contribution limits should be required to be deposited into a separate account, in order to avoid circumvention of the contribution limits. (Carryover from 2005.)		Adopt Status Update					2nd Pre Notice		Adopt			
4. CPI Increases: Gift, Contribution, and Expenditure Limit Adjustments. The Commission will need to adjust these limits in 2006, effective January 1, 2007.										Adopt		

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5. Recurring Credit Card Contributions: Some contributions are set up to be paid out over a specified period of time, or on an ongoing basis. For example, the contributor may wish to contribute \$10 a month for an indefinite time period. This project explores whether the total amount of the contributions should be reported when the first payment is made, or whether disclosure should be made as each installment is actually paid.					Pre-Notice		Adopt Pre-Notice		Adopt			
6. Carry Over of Contributions: § 85317 and reg. 18537.1 allow the carry over of campaign funds raised in connection with one election for elective state office to pay expenditures incurred in connection with a subsequent election to the same office. Staff proposes to amend the regulation to clarify that, additionally, funds raised for a primary election may be carried over to the general election.		Pre-Notice		Adopt								

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7. One-Bank Account Rule -- Contributions Through Vendors: Vendors sometimes run a website through which they collect candidate contributions and contributor information. (a) Staff recommends that the Commission define the type of "account" this vendor creates in collecting and holding the contributions and specifying into which accounts the vendor may hold this money. (b) The second issue concerns vendor fees. A vendor usually subtracts his fee from the money collected before transferring the money to the committee. The vendor is an agent of the committee and not an intermediary. Thus, when the vendor receives the contribution the committee is also deemed to have received it.					Pre-Notice		Adopt Pre-Notice		Adopt			

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8. Cosponsored Payments: Payments made at the behest of a candidate are contributions <i>unless</i> the payment is made for purposes that are legislative/charitable or governmental. Such payments must be reported within 30 days from the date the payments aggregate \$5,000 or more from the same source during the calendar year. Staff proposes developing a form and supporting regulation for reporting these payments.								IP Meeting		Pre-Notice		Adopt
9. Define “Election Cycle”: Forgiveness of a loan is a contribution, unless the forgiveness is within the same “election cycle” as the loan. However, “election cycle,” for purposes of this rule, is not defined. § 85204 defines “election cycle,” for §§ 85309 and 85500 only. Staff proposes the Commission define “election cycle” for purposes of the exception in reg. 18537.				Pre-Notice		Adopt						

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10. Advertising Disclosure Cluster: A primarily formed measure committee must disclose its two highest donors. A variety of issues have arisen regarding the construction of these provisions. Staff proposes regulatory action to refine these provisions of the Act.				Pre-Notice	<u>Discuss Memo</u>	Adopt						<u>Discuss Memo</u>
11. <i>In re Pirayou</i> Opinion Request (O-06-016). The Commission will consider whether it will issue an opinion pertaining to the application of Government Code section 89519. The opinion request asks specifically whether campaign funds, which became "surplus campaign funds" through the error of a campaign treasurer, can be used for purposes not specified in subdivision (b) of Government Code section 89519.			<u>Issues Memo</u>		<u>Adopt</u>							

B. CONFLICT OF INTEREST DISQUALIFICATION AND DISCLOSURE

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Aggregation Under § 84308: § 84308 disqualifies any “officer” who is running or has run for elective office, from participating in decisions affecting his or her campaign contributors. This project considers whether further clarification of aggregation rules under § 84308 is necessary. (Carryover from 2005.)	Pre-notice		<u>Adopt</u> <u>IP</u> <u>Meet</u>		<u>Adopt</u>							
2. Stem Cell Commission: Two sections of the new law refer to the PRA (Health & Safety Code §§ 125290.30(g) & 125290.50). Staff proposes to investigate whether Prop 71 amended the Act indirectly, and the FPPC’s role in advising/enforcing these provisions. (Carryover from 2005.)		<u>Status</u> <u>Report</u>		<u>Status</u> <u>Report</u>								

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3. SB 8: Revolving Door; Local Officials: Commencing July 1, 2006, local officials who held positions with certain local government agencies will be prohibited for one year after leaving office, from contacting their former employer for compensation, for the purpose of influencing administrative or legislative action or an action involving a permit, license, grant, or contract, or the sale or purchase of goods or property.									Pre-Notice	<u>Pre-Notice</u>	Adopt	<u>Adopt</u>
4. Reg. 18754: Statements Of Economic Interests (Newly Created Agencies). § 87302.6 requires that all members of newly created agencies file SEI's within 30 days of assuming office. The SEI's must disclose all economic interests until a conflict of interest code is approved. Staff proposes amending reg. 18754 to exempt (a) members of merged agencies, and (b) agency heads already filing under full disclosure.							<u>Pre-Notice</u>		<u>Adopt</u>	Pre-Notice		<u>Adopt</u>

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5. “Public Generally” Cluster: The exception applies where a significant segment of the jurisdiction is affected in substantially the same manner as the official. However, the regulation does not provide any guidance on what constitutes being affected in “substantially the same manner.” 5(a) Staff proposes a standard value range for determining when real property is affected in “substantially the same manner.” 5(b) Lisa Foster requested the FPPC consider the distinction between owner-occupied dwellings and non-owner occupied dwellings. She proposes: (i) inserting the term “households” as a significant segment category blending owner-occupied and non-owner occupied property; or (ii) reducing the segment threshold for small cities.						IP Meet			Pre-Notice		Adopt	
						IP Meet			Pre-Notice		Adopt	
						IP Meet			Pre-Notice		Adopt	

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6. Wedding Gifts/Baby Showers And Receptions: (a) Wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions are not limited, if the gifts are of substantially the same value. There currently is no exception for baby shower gifts. (b) In addition, while presents exchanged at holidays, birthdays and similar occasions are not reportable, wedding gifts are still reportable. Staff recommends dealing with this ambiguity. (c) Attendance at weddings: Staff proposes amending reg. 18942 to codify prior staff advice applying the home hospitality exception to attendance at weddings, birthday parties, and similar events.		Pre-Notice		<u>Adopt</u> <u>2nd Pre-Notice</u>		<u>Adopt</u>						

C. ADMINISTRATIVE, ENFORCEMENT, AND OTHER ISSUES

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. AB 1234 (Ethics Training For Local Officials): Local agencies that provide compensation to members of the local legislative body, must provide to agency officials training in ethics on a two year basis. Any entity that develops criteria for the ethics training must consult with the Commission and the Attorney General.	ER or Perm Adopt											
2. Precedential Decisions In Enforcement Actions. Section 11425.60 of the APA provides general authority to the Commission to designate decisions as precedential. Enforcement is proposing the Commission consider a regulation establishing a precedential decision system and setting forth various criteria for the Commission to consider in determining whether to designate a decision as precedential.	Adopt											

D. OTHER MISCELLANEOUS ITEMS

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
1. Annual Technical Clean-Up: The Commission annually considers technical and other minor changes resulting from the staff's review of Commission regulations.									Adopt		<u>Adopt</u>	
2. Quarterly Review Of Work Plan And Plan Updates.			Work Plan Revision			Work Plan Revision			Work Plan Revision	2007 Reg. Calendar		2007 Reg. Calendar